

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON**

**JEFFERSON COUNTY COMMISSION;
PATRICIA NOLAND, as an individual
and behalf of all others similarly situated;
and DALE MANUEL, as an individual and
behalf of all others similarly situated,**

Plaintiffs, and

THORNTON COOPER,

Intervening Plaintiff,

v.

**Civil Action No. 2:11-CV-989
(KING, BAILEY, BERGER)**

**NATALIE E. TENNANT, in her capacity as
the Secretary of State; EARL RAY TOMBLIN,
in his capacity as the Chief Executive Officer
of the State of West Virginia; JEFFREY
KESSLER, in his capacity as the Acting
President of the Senate of the West Virginia
Legislature; and RICHARD THOMPSON, in
his capacity as the Speaker of the House of
Delegates of the West Virginia Legislature,**

Defendants.

ORIGINAL PLAINTIFFS' REPLY TO ORDERS ON REMAND

This Original Plaintiffs' Reply to the Court's Order on Remand of October 5, 2012 and its subsequent Order of November 7, 2012, is agreed to and submitted on behalf of all the original Plaintiffs in this case.

1. The action of the United States Supreme Court on September 25, 2012, in reversing this Court's Order of January 3, 2012, as amended on January 4, 2012, has lifted this Court's injunction against conducting the 2012 Congressional election under S.B. 1008,

and that election as well as the election for other national, state, and local offices was held on November 6, 2012.

2. Although it is clearly important to reach a resolution in this case, the next election scheduled under S.B. 1008 will not take place until the year 2014.

3. The original Plaintiffs believe that supplementing the record in this case will be beneficial to resolving the remaining issues in this case, and request a short period of 60 days to do so.

4. Following the supplementation of the record, the original Plaintiffs believe that it would be beneficial to the disposition of the remaining claims in this case to certify the question of whether the districts as drawn under S.B. 1008 meet the numerical equivalence and compactness requirements under the Constitution of West Virginia.

**JEFFERSON COUNTY COMMISSION;
PATRICIA NOLAND, *as an individual and
on behalf of all others similarly situated*; and
DALE MANUEL, *as an individual and on
behalf of all other similarly situated***

/s/ David M. Hammer

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CERTIFICATE OF SERVICE

I, Stephen G. Skinner, do hereby certify that on November 30, 2012, I electronically filed the foregoing **ORIGINAL PLAINTIFF'S REPLY TO ORDERS ON REMAND** with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following CM/ECF participants:

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